

CHAPTER 202
FOSTER CARE SERVICES

[Prior to 7/1/83, Social Services[770] Ch 136]
[Previously appeared as Ch 136—renumbered IAB 2/29/84]
[Prior to 2/11/87, Human Services[498]]

441—202.1(234) Definitions.

“*Case permanency plan*” shall mean the plan identifying goals, needs, strengths, problems, services, time frames for meeting goals and for delivery of the services to the child and parents, objectives, desired outcomes, and responsibilities of all parties involved and reviewing progress.

“*Child*” shall mean the same as defined by Iowa Code section 234.1.

“*Department*” shall mean the Iowa department of human services and includes the county and regional offices of the department.

“*Eligible child*” shall mean a child for whom the court has given guardianship to the department or has transferred legal custody to the department or for whom the department has agreed to provide foster care services on the basis of a signed placement agreement or who has been placed in emergency care for a period of not more than 30 days upon the approval of the director or the director’s designee.

“*Facility*” means the personnel, program, plant and equipment of a person or agency providing child foster care.

“*Foster care*” shall mean substitute care furnished on a 24-hour a day basis to an eligible child, in a licensed foster care facility or approved shelter care facility, by a person or agency other than the child’s parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of less than 30 days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

“*Natural parent*” shall mean a parent by blood, marriage, or adoption.

“*Person*” or “*agency*” shall mean individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department, who are licensed by the department as a foster family home, child caring agency or child placing agency, or approved as a shelter care facility.

“*Regional administrator*” shall mean the department employee responsible for managing department offices and personnel within the region and for implementing policies and procedures of the department.

This rule is intended to implement Iowa Code section 234.6(6) “b.”

441—202.2(234) Eligibility.

202.2(1) Only an eligible child as defined in these rules shall be considered for foster care services supervised by the department.

202.2(2) The need for foster care placement and social and other related services including, but not limited to, medical, psychiatric, psychological, and educational services shall be determined by an assessment of the child and family to determine their needs and appropriateness of services. Assessments include the educational, physical, psychological, social, family living, and recreational needs of the child and the family’s ability to meet those needs. The assessment is a continual process to identify needed changes in service or placement for the child. The need for treatment services shall be determined by the review organization pursuant to rule 441—185.2(234).

202.2(3) With the exception of emergency care, a social history shall be completed on each child prior to a department recommendation for foster care placement. For voluntary emergency placements a social history shall be completed before a decision is made to extend the placement beyond 30 days. For court-ordered emergency placements a social history shall be completed before the disposition hearing.

202.2(4) Foster care placement shall be recommended by the department only after efforts have been made to prevent or eliminate the need for removal of the child from the family unless the child is in immediate danger at home.

202.2(5) The need for foster care and the efforts to prevent placement shall be evaluated by a review committee prior to placement or, for emergency placements only, within 30 days after the date of placement. For children who are mentally retarded or developmentally disabled and receive case management services, this requirement may be met by the interdisciplinary staffing described in 441—Chapter 24, as long as the regional administrator approves, the department worker attends the staffing, and the staffing meets the requirements of paragraphs “b” to “h” below.

The review shall meet the following requirements:

a. Department staff on the review committee shall be the child’s service worker, a supervisor knowledgeable in child welfare, and one or more additional persons appointed by the regional administrator.

b. The review shall be open to the participation of the parents or guardian of the child, local and area education staff, juvenile court staff, the guardian ad litem, current service providers and previous service providers who have maintained a license.

c. The present foster care provider, if any, shall be notified of the review and have the opportunity to participate.

d. Written notice of the review shall be sent to the child’s parents or guardian at least five working days prior to the date of the review.

e. Other persons may be invited to the review with the consent of the parents or guardian.

f. A written summary of the review recommendations shall be sent to the child’s parents or guardian following the review.

g. Review committee recommendations shall be advisory to the service worker and supervisor, who are responsible for development of the department case plan and for reports and recommendations to the juvenile court.

h. At least one of the persons on the review committee shall be someone without responsibility for the case management or the delivery of services to either the child or the parents or guardian who are the subject of the review.

202.2(6) Rescinded IAB 8/9/89, effective 10/1/89.

This rule is intended to implement Iowa Code section 234.6(6) “b.”

441—202.3(234) Voluntary placements.

202.3(1) All voluntary placement agreements initiated after July 1, 2003, for children under the age of 18 shall terminate after 90 days.

202.3(2) When the voluntary placement is of a child who is under the age of 18, a Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the parent(s) or guardian and the county office where the parent or guardian resides. Voluntary Foster Care Placement Agreements shall not be used to place children outside Iowa and shall not be signed with parents or guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements shall terminate if the child's parent or guardian moves outside Iowa after the placement.

202.3(3) Voluntary placement of a child aged 18 or older may be granted for six months at a time only when the child meets the definition of "child" in subrule 202.1(3), was in foster care or a state institution immediately prior to reaching the age of 18, has continued in foster care or a state institution since reaching the age of 18, and has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan. Payment shall be limited pursuant to 441—paragraph 156.20(1) "b."

a. When the voluntary placement is of a child who is aged 18 or older and who has a court-ordered guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the guardian and the county office where the guardian resides. Voluntary Foster Care Placement Agreements shall not be used to place children outside Iowa and shall not be signed with guardians who reside outside Iowa. Voluntary Foster Care Placement Agreements shall terminate if the child's guardian moves outside Iowa after the placement.

b. When the voluntary placement is of a child who is aged 18 or older and who does not have a court-appointed guardian, the Voluntary Foster Care Placement Agreement, Form 470-0715, shall be completed and signed by the child and the county office where the child resides.

202.3(4) All voluntary placements shall be approved by the service area manager or designee.

This rule is intended to implement Iowa Code section 234.6(6) "b" and section 234.35(1) "c" as amended by 2003 Iowa Acts, House File 667, section 37.

441—202.4(234) Selection of facility.

202.4(1) Placement consistent with the best interests and special needs of the child shall be made in the least restrictive, most family-like facility available and in close proximity to the child's home. Race, color, or national origin may not be routinely considered in placement selections.

202.4(2) Efforts shall be made to place siblings together unless to do so would be detrimental to any of the children's physical, emotional or mental well-being. Efforts to prevent separating siblings, reasons for separating siblings, and plans to maintain sibling contact shall be documented in the child's case permanency plan.

202.4(3) Staff shall consider placing the child in a relative's home unless to do so would interfere with the permanency plan for the child, no relatives are available or willing to accept placement, or to do so would be detrimental to the child's physical, emotional or mental well-being. Efforts to place the child in a relative's home and reasons for using a nonrelative placement shall be documented in the child's case permanency plan.

202.4(4) If the child cannot be placed with a relative, foster family care shall be used for a child unless the child has problems requiring specialized service which cannot be provided in a family setting. Reasons for using a more restrictive placement shall be documented in the child's case permanency plan.

202.4(5) A foster family shall be selected on the basis of compatibility with the child, taking into consideration:

a. The extent to which interests, strengths, abilities and needs of the foster family enable the foster family members to understand, accept and provide for the individual needs of the child.

- b.* The child's individual problems, medical needs, and plans for future care.
- c.* The capacity of the foster family to understand and accept the child's case permanency plan, the needs and attitudes of the child's parents, and the relationship of the child to the parents.
- d.* The characteristics of the foster family that offer a positive experience for the child who has specific problems as a consequence of past relationships.
- e.* An environment that will cause minimum disruption of the child including few changes in placement for the child.
- f.* The treatment needs of the child as determined by the review organization pursuant to rule 441—185.2(234).

202.4(6) A foster group care facility shall be selected on the basis of its ability to meet the needs of the child, promote the child's growth and development, and ensure physical, intellectual and emotional progress during the stay in the facility. The department shall place a child only in a licensed or approved facility which has a current purchase of service contract with the department.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.5(234) Preplacement.

202.5(1) Except for emergency foster care, a child placed in a facility shall have a preplacement visit involving the child, the foster parents or agency staff if the child is placed in a public or private agency, and the service worker. The parents shall be included in the preplacement visit unless their presence would be disruptive to the child's placement.

202.5(2) Prior to placement, the worker shall provide the facility with general information regarding the child, including a description of the child's medical needs, behavioral patterns, educational plans, and permanency goal.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.6(234) Placement.

202.6(1) At the time of placement, the worker shall provide the facility with specific information regarding the child including the case permanency plan, the results of a physical examination, the child's medical needs including special needs of HIV, behavioral patterns, and educational arrangements, the placement contract or agreement, and medical authorizations, service authorizations, and other releases as needed.

Prior to releasing specific information about HIV, the department shall use Form 470-3225, Authorization to Release HIV-Related Information, to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information. Form 470-3227, Receipt of HIV-Related Information, shall be completed by the person receiving this information to document understanding of the confidentiality of this knowledge.

Form 470-3226, HIV General Agreement, shall be completed by foster parents who have agreed to care for children who have AIDS, test HIV positive, or are at risk for HIV infection.

202.6(2) For placement in a foster family home supervised directly by department staff, Form SS-2605-0, Foster Family Placement Contract, shall be completed by the provider and department representatives. A new foster family placement contract shall be completed when the rate of payment or special provisions change.

202.6(3) A follow-up visit shall be made to the child at the foster family home within two weeks of the initial placement for placements supervised directly by the department.

202.6(4) The case permanency plan shall be reviewed at least every six months to assure appropriateness of the child's placement. A copy of the subsequent case plan, including the Face Sheet, Form 427-1020, the Problem and Responsibility List, Form 427-1023 (if any of the information has changed or if there have been any additions), and the Case Permanency Plan Review, Form 427-1021, and report to the court shall be submitted to the court every six months unless the court orders a different frequency for reports.

202.6(5) In conjunction with the case plan review, the case shall be presented every six months to a review committee which conforms to the requirements in subrule 202.2(5). The regional administrator may also approve a review by a local foster care review board authorized in Iowa Code section 237.19 or the court as meeting this requirement as long as the review conforms to subrule 202.2(5), paragraphs "b" to "h," and to subrule 202.6(5), paragraphs "a" to "e." The review committee shall:

- a. Evaluate the continuing necessity for foster care placement.
- b. Evaluate the continuing appropriateness of the foster care placement.
- c. Evaluate the extent of compliance with the case plan.
- d. Evaluate the extent of progress made toward lessening the causes for foster care placement.
- e. Project a likely date by which the child will leave foster care.

This rule is intended to implement Iowa Code sections 234.6(6) "b," and 237.19.

441—202.7(234) Out-of-region placements.

202.7(1) When the department makes a placement of a child in the foster care system out of the region in which the child resides, this placement shall occur only when there is no appropriate placement within the region, when the placement is necessary to facilitate reunification of the child with the parents, or when an out-of-region agency is closer to the community where the child resides than an in-region agency offering the same services.

202.7(2) The authority for approving out-of-region placements rests with both the placing and receiving regional administrators.

202.7(3) Transfer of responsibility for supervision, planning, and visitation shall be approved by the placing and receiving regional administrators and, when appropriate, by the court.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.8(234) Out-of-state placements.

202.8(1) The department shall make an out-of-state foster family care placement only with the approval of the regional administrator. Approval shall be granted only when the placement will not interfere with the goals of the child's case plan and when one of the following conditions exists:

- a. The foster family with whom the child is placed is moving out of state.
- b. An out-of-state family having previous knowledge of the child desires to provide foster care to the child.
- c. An out-of-state family is approved to adopt the child under subsidy and is eligible to receive maintenance payments until the adoption is final.
- d. An out-of-state placement is necessary to facilitate reunification of the child with the parents.

202.8(2) Placements shall be made in an out-of-state group care facility only with the approval of the regional administrator or designee.

202.8(3) All out-of-state placements shall be made pursuant to interstate compact procedures.

202.8(4) The reasons for selecting an out-of-state placement shall be documented in the child's case permanency plan.

202.8(5) Regional out-of-state placement committees. Rescinded IAB 7/6/94, effective 7/1/94. This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.9(234) Independent living. An independent living arrangement shall provide a child with an environment in which the child can experience living independently in the community with minimum supervision. This arrangement shall prepare the child for self-support and self-care. It is an arrangement where the child lives in an apartment unit, shops for food, prepares individual meals, and manages time for cleaning and laundry. It is not a structured living arrangement where independent living skills are learned through simulated financial transactions such as rent, utility payments or grocery shopping that prepare the child for real-life expenditures and situations.

202.9(1) Eligibility.

a. To be eligible for independent living placement a child shall meet all of the following conditions:

(1) Be at least 16 years old. If age 18 or older, meets the definition of a child in Iowa Code section 234.1 and has been in foster care or state institutional placement immediately prior to reaching the age of 18, and has continued in foster care or a state institution since reaching the age of 18. A person aged 18 or over, who has received a high school diploma or a high school equivalency diploma, is not eligible for the independent living program.

(2) If under the age of 18, must either be working (or in work training) full-time or be attending high school or attending general equivalency diploma (GED) classes and working (or in work training) part-time. If aged 18 or older, be attending high school or GED classes full-time and making satisfactory progress toward completion of the high school or GED program and working (or in work training) part-time.

(3) Need foster care placement and services, based on an assessment completed according to rule 441—202.2(234) and subrule 202.6(5).

(4) Participate actively with the department caseworker in the development of the case plan and comply with its provisions.

(5) Refrain from involvement in any illegal behavior including using controlled substances or alcohol.

(6) Have capacity to function outside the structure of a foster family or group care setting.

Prior to placement an assessment shall be made that reviews all available information on the child to identify the needs, strengths, and resources of the child, especially as they pertain to the child's ability to live independently.

(7) Have the potential to be financially and emotionally independent upon discharge from foster care.

(8) Have an approved living situation which shall meet the following minimum standards:

1. Be located so as to provide reasonably convenient access to schools, places of employment, or services required by the youth.

2. Comply with applicable state and local zoning, fire, sanitary and safety regulations.

3. Be reasonably priced so as to fit within the youth's budget.

(9) Have the approval of the area administrator of the area where the child resides.

(10) Rescinded IAB 9/1/93, effective 11/1/93.

b. Exceptions to the work (or work training) requirement may be allowed with the prior approval of the area administrator, if the child can demonstrate involvement in some alternative daily activity and the exception is in the child's best interest.

202.9(2) Services to be provided.

a. *Required services.* The following activities are required:

(1) Through visits to the living situation, documentation that: there is no reasonable cause for believing that the child's mode of life or living situation presents any unacceptable risks to the child's health or safety; the living situation is maintained in a reasonably safe condition; the child is receiving any necessary medical care; and the current program plan provides appropriate and sufficient services.

(2) Supervision to assist the child in developing the needed structure to live in this setting and in locating and using other needed services. It shall include a minimum of weekly face-to-face contacts with the child for the first 60 days of placement and twice a month face-to-face contacts with the child thereafter. Supervision may include guidance, oversight, and behavior monitoring.

(3) Ongoing assessment activities directed toward monitoring the progress being made in the child's ability to live independently and evaluating the effectiveness of the services being provided to reach this goal.

(4) If purchased, visits by the department to the child according to subrule 202.11(2).

(5) If purchased, compliance by the provider with all reporting requirements in 441—Chapter 150, including requirements for the individual service plan, quarterly reports, and a termination summary.

(6) A review of the case and case plan every six months, in accord with subrules 202.6(4) and 202.6(5).

(7) Termination activities to review information prior to the discontinuation of one or more service components and to develop a summary of service delivery and service outcome.

b. *Optional services.* The following may be provided to a child depending on the needs, objectives and services described in the child's case permanency plan.

(1) Counseling services to reduce stress and severe social, emotional, or behavioral problems that affect the child's stability or ability to function independently, or to enhance the child's self-esteem and self-confidence. Activities undertaken through this service may include individual or group therapy, counseling, and treatment.

(2) Leisure time and recreational services to enhance the child's ability to develop recreational, social, leisure time or hobby, and cultural skills.

(3) Parent skill development services to train or educate youth who are parents or prospective parents to enable them to meet the needs of their children. These activities include parenting classes, in-home instruction and in-home role modeling of appropriate parenting functions. Information to be introduced through these activities includes parenting methods, age-appropriate discipline, reasonable expectations of children, techniques of caring for children with special needs, and effective ways of communicating and problem solving.

(4) Basic living skills services to enable or train the child to maintain a safe, healthy, and stable home. These include, but are not limited to, counseling, instruction, or role modeling in such skills as money management, credit, home management, consumer skills, health care, nutrition, transportation, and legal and insurance issues.

(5) Educational tutoring and vocational services to enable the child to secure and maintain paid employment. These may include, but are not limited to, activities to enable the child to seek or obtain a high school diploma or GED, to improve job-seeking skills, and to improve employability and job-maintenance skills.

(6) Community involvement services to enable the child to access community resources and to develop support systems. These may include, but are not limited to, activities to improve the child's awareness and experience with community resources and activities to improve the child's interpersonal and social skills.

202.9(3) *Independent living arrangements.*

a. There are two types of independent living arrangements as follows:

(1) Scattered site arrangements have no specific site or building which houses the program. Clients are assisted by staff people in locating apartments scattered throughout the community. Up to three youths supervised by one agency may reside in apartments located in one building. Youths living in such an arrangement shall be able to contact supervising agency staff 24 hours a day, seven days a week.

(2) Cluster arrangements are those in which four to six youths reside in apartments located in one building and are supervised by one agency. Cluster arrangements shall have an adult employed by the agency who has at least a high school diploma and two years' paid work experience on-site at any time that one or more of the clients are present in the cluster arrangement. Youths shall reside in a cluster arrangement no more than six months. When more than six youths reside in a cluster arrangement, it shall be considered a foster group care facility.

b. There shall be no provision of a meal or meals, either individually or as congregate dining, by the landlord as an inherent part of the living arrangement.

c. If an agency rents an apartment to the youth, there shall be a signed lease between both parties that includes, but is not limited to:

- (1) Amount to be paid for rental unit.
- (2) Term of lease with both a beginning and ending date.
- (3) Rights and responsibilities of tenant.
- (4) Rights and responsibilities of landlord.
- (5) Conditions under which lease can be terminated.

202.9(4) *Method of service provision.*

a. Independent living services may be provided directly by the department or may be purchased from a licensed child-placing or child-caring agency. If purchased, department staff shall be responsible to determine the specific service components and the number of hours to be provided. The department case permanency plan shall specify what services are being purchased.

b. If purchased, service billings shall be based on one hour, or any portion thereof (with monthly cumulative units rounded up or down to the nearest whole unit), of:

(1) Direct face-to-face contact between the service provider and the child.

(2) Activities undertaken to assist the child with the use of community resources and to consult and collaborate on service directions with schools, employers, landlords, volunteers, extended family members, peer support groups, training resources, or other community resources on behalf of the child.

c. If purchased, expenses of transporting clients, service management activities and other administrative functions shall be allowable indirect costs subject to the restrictions set forth in 441—Chapter 150.

d. When independent living clients receive services in a group rather than individually, the purchase of service contract shall specify the unit rate for group services separate from other services defined in the contract.

The unit of service for group services shall be based on one hour, or any quarter portion thereof, of direct face-to-face contact between the service provider and each group member. Monthly cumulative units shall be rounded up or down to the nearest whole unit. The contract shall specify the average number of group participants.

The unit rate shall be determined in accordance with the requirements and procedures of 441—Chapter 150, and will be based upon the cost of a single caseworker providing the service. Reimbursement for a team approach to service delivery will not be made except in accordance with the following:

When two or more individuals from a service provider agency jointly deliver a unit of service, billings for that unit of service shall be reimbursable in an amount equal to the cost of two or more units of service if the following criteria are met:

(1) The department case plan requests a team approach to service delivery and specifies the number of individuals that will be working together on the team, and a purchase of service contract identifies the service provider's ability to provide a team approach.

(2) The specific number of individuals requested in the case plan who are representing the service provider are physically present to deliver the service to the clients.

202.9(5) *Compliance transition period.* Rescinded IAB 9/1/93, effective 11/1/93.

202.9(6) *Termination of independent living services.*

a. *Mandatory termination.* Services shall be terminated when any of the following occurs. The child:

- (1) No longer meets the definition of a child in Iowa Code section 234.1.
- (2) No longer meets the work (or work training) requirement.
- (3) No longer needs foster care placement and services.
- (4) Needs a more restrictive level of placement.
- (5) Chooses to live in a nonapproved setting.
- (6) Refuses to participate actively in the development of the case plan or to follow its provisions.
- (7) Commits an aggravated misdemeanor or felony.
- (8) Is involved in illegal behavior or substance abuse on a second occasion, after having been given the opportunity to correct the behavior.
- (9) Is 18 or over and working full-time.
- (10) Has another resource available to meet the child's identified needs.
- (11) Fails to make satisfactory progress towards completion of the high school GED program, after having been given the opportunity to correct the behavior.

b. *Notice of adverse action.* When services are denied or terminated, adequate and timely notice shall be provided the child as defined in rule 441—130.5(234).

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.10(234) Services to foster parents. Foster parents shall be provided necessary supportive services for the purpose of aiding them in the care and supervision of the child. These services shall include, but not be limited to:

202.10(1) Availability of social service staff on a 24-hour basis in case of emergency.

202.10(2) Conferences to develop in-depth planning regarding family visits, expectations of the department, future objectives and time frames, use of resources, and termination of placements.

202.10(3) Visitation by the service worker at least monthly regardless of the duration of the placements.

202.10(4) Making available all known pertinent information needed for the care of the child including HIV status and special confidentiality requirements. Prior to releasing specific information about HIV, the department shall use Form 470-3225, Authorization to Release HIV-Related Information, to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information. Form 470-3227, Receipt of HIV-Related Information, shall be completed by the person receiving this information to document understanding of the confidentiality of this knowledge.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.11(234) Services to the child. The service worker shall maintain a continuous relationship with the child and help the child plan for the future, evaluate the child's needs and progress, supervise the living arrangement, arrange for social and other related services including, but not limited to, medical, psychiatric, psychological, and educational services from other resources as needed, and counsel the child in adjusting to the placement.

202.11(1) When the child is placed in a foster family home, the service worker shall visit the child regularly to fulfill responsibilities set forth in the case permanency plan and to review the child's progress. The frequency of visits shall be based on the needs of the child. At a minimum, visits to the child shall be monthly, not to exceed 35 days.

202.11(2) When the child is placed in group foster care, purchased foster family care, or purchased independent living, the service worker shall visit the child regularly to fulfill responsibilities set forth in the case plan and to review the progress of the child.

a. If the permanency goal for the child is long-term foster care, visits shall be at least quarterly, not to exceed 90 days.

b. For all other cases, visits shall be at least every 45 days. When the funded full-time equivalency (FTE) workload exceeds 150, as established in the department's budget allocation, minimum visits for group care shall be at least quarterly, not to exceed 90 days; for purchased foster family care visits shall be at least every other month, not to exceed 60 days.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.12(234) Services to parents.

202.12(1) Social services and treatment services shall be made available to the parents throughout the period of placement for the purpose of reuniting the family in an agreed upon time frame.

202.12(2) The parents shall be notified of the location and nature of the child's placement, unless it is documented in the child's case record that to do so would be disruptive to the placement.

202.12(3) The case plan and treatment plan shall specify the services to be provided and the time frame for reuniting the family. These plans shall be developed in cooperation with the parents.

202.12(4) Personal contact shall be made regularly with the parents and the progress towards goal attainment reviewed and documented in the case record. The frequency of the personal contact shall be specified in the child's case plan.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.13(234) Removal of the child.

202.13(1) When the department plans to remove a child from a facility, the facility shall be informed in writing of the date of the removal, the reason for the removal, the recourse available to the facility, if any, and that the chapter 17A contested case proceeding is not applicable to the removal. The department shall inform the facility ten days in advance of the removal, except that the facility may be informed less than ten days prior to the removal in the following instances:

- a. When the parent or guardian removes the child from voluntary placement.
- b. When the court orders removal of a child from placement.
- c. When there is evidence of neglect or physical or sexual abuse.

202.13(2) The department may remove a child from a facility when any of the following conditions exist:

- a. There is evidence of abuse, neglect, or exploitation of the child.
- b. The child needs a specialized service that the facility does not offer.
- c. The child is unable to benefit from the placement as evidenced by lack of progress of the child.
- d. There is evidence the facility is unable to provide the care needed by the child and fulfill its responsibilities under the case plan.
- e. There is lack of cooperation of the facility with the department.

202.13(3) If a foster family objects in writing within seven days from the date that the information of plans to remove the child is mailed, the regional administrator shall grant a conference to the foster family to determine that the removal is in the child's best interest.

This conference shall not be construed to be a contested case under the Iowa administrative procedure Act, Iowa Code chapter 17A.

The conference shall be provided before the child is removed except in instances listed in 202.13(1) "a" to "c." The regional administrator shall review the propriety of the removal and explain the decision to the foster family.

The regional administrator, on finding that the removal is not in the child's best interests, may overrule the removal decision unless a court order or parental decision prevents the department from doing so.

202.13(4) When the facility requests a child be removed from its care, it shall give a minimum of ten days' notice to the department so planning may be made on behalf of the child.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.14(234) Termination. The foster care services shall be terminated when the child is no longer an eligible child, or when the attainment of goals in the case plan has been achieved, or when the goals for whatever reasons cannot be achieved, or when it is evident that the family or individual is unable to benefit from the service or unwilling to accept further services.

This rule is intended to implement Iowa Code section 234.6(6) "b."

441—202.15(234) Case permanency plan.

202.15(1) The department worker shall ensure that a case permanency plan is developed for each child who is placed in foster care if the department has agreed to provide foster care through a voluntary placement agreement, if a court has transferred custody or guardianship to the department for the purpose of foster care, or if a court has placed the child in foster care and ordered the department to supervise the placement.

202.15(2) The department worker shall develop the case permanency plan with the child's parents, unless the child's parents are unwilling to participate in the plan's development, and with the child, unless the child is unable or unwilling to participate.

202.15(3) The department worker shall be responsible for ensuring the development of the case permanency plan within the time frames specified in rule 441—130.7(234). In all cases, the case permanency plan shall be completed within 60 days of the date the child entered foster care.

202.15(4) Copies of the initial and subsequent case permanency plans shall be provided to the child, the child's parents, and the foster care provider. Copies shall also be provided to the following, if involved in services to the child: the juvenile court officer, the judge, the child's attorney, the child's guardian ad litem, the child's guardian, the child's custodian, the child's court appointed special advocate, the parents' attorneys, the county attorney, the state foster care review board, and any other interested parties identified on Form 427-1020, Face Sheet.

202.15(5) The initial and subsequent case permanency plans shall be completed on the forms specified in rule 441—130.7(234).

202.15(6) If the need arises to add a new problem or responsibility prior to the next scheduled review, the department worker shall send a copy of Forms 427-1021, Case Permanency Plan Review and 427-1023, The Problem and Responsibility List, with a cover letter to the judge, if applicable, and all interested parties identified on Form 427-1020, Face Sheet, to advise them of the amendment to the case permanency plan.

441—202.16(135H) Department approval of need for a psychiatric medical institution for children.

202.16(1) Applicants for departmental approval of need shall submit the following to the division of adult, children and family services:

a. A description of the population to be served, including age, sex, and types of disorders, and an estimate of the number of these youth in need of psychiatric care in the area of the state in which the applicant is located.

b. A statement of the number of beds requested and a description of the treatment program to be provided, the outcomes to be achieved and the techniques for measuring outcomes.

c. A proposed date of operation as a psychiatric medical institution for children.

d. A description of the applicant's experience with providing similar services to youth, especially the target population.

e. A description of the applicant's plan, including the timeline for achieving accreditation to provide psychiatric services from a federally recognized accrediting organization under the organization's standards for residential settings and licensure as a psychiatric medical institution for children, or a copy of the organization's report if already accredited.

f. References from the regional administrator for the department region in which the proposed psychiatric medical institution for children would be located, the chief juvenile court officer of the judicial district in which the proposed psychiatric medical institution for children would be located and the applicant's licensor from the department of inspections and appeals or department of public health.

202.16(2) The department shall evaluate proposals and issue a decision based on the following criteria:

a. The number of psychiatric medical institutions for children beds for the proposed population which are needed in the area of the state in which the facility would be located, based on the department's most recent needs assessment.

b. The steps the facility has taken towards achieving accreditation from a federally recognized accrediting organization and licensure as a psychiatric medical institution for children.

c. The applicant's ability to provide services and support consistent with the requirements under Iowa Code chapter 232 including, but not limited to, evidence that:

- (1) Children will be served in a setting which is in close proximity to their parents' home.
- (2) Each child will receive services consistent with the child's best interests and special psychiatric needs as identified in the child's case permanency plan.
- (3) Children and their families will receive services to facilitate the children's return home or other permanent placement.

d. The applicant's ability to provide children with a non-hospital-type living environment if the applicant is not freestanding from a hospital or health care facility.

e. The limits on the number of beds found in Iowa Code section 135H.6, subsection 5.

202.16(3) If a facility has not been licensed as a psychiatric medical institution for children within one year after the date of the department's approval of need, the department's approval shall expire unless the department has approved an extension. An extension may be approved up to a maximum of six months if the agency has documented extenuating circumstances which prevented completion of the licensing process.

This rule is intended to implement Iowa Code section 135H.6.

441—202.17(232) Regional group care targets.

202.17(1) *Regional target.* A group care budget target shall be established for each departmental region which shall be based on the annual statewide group care appropriation established by the general assembly.

a. The department and the judicial branch shall jointly develop a formula for allocating the group care appropriation among the departmental regions. The formula shall be based on:

- (1) Proportional child population.
- (2) Proportional group foster care usage in the previous five completed fiscal years.
- (3) Other indicators of need.

b. Any portion of the group care appropriation allocated for 50 highly structured juvenile program beds and not used may be used for group care.

c. Upon written agreement of the affected regional administrators and chief juvenile court officers, regions may transfer part of their group care budget from one region to another. A region may exceed its budget target figure up to 5 percent during the fiscal year, providing that the overall funding allocation by the department for all child welfare services in the region is not exceeded.

d. Notwithstanding the statewide appropriation established in this subrule, a budget established in a region's group care plan pursuant to Iowa Code section 232.143 may be exceeded, a group care placement may be ordered, and state payment may be made if the review organization finds that the placement is necessary to meet the child's service needs and if the region has additional funds transferred from another region or if the region is within 5 percent of its group care budget target figure pursuant to 441—paragraph 202.17(1)“c.”

The department and juvenile court services shall work together to ensure that a region's group care expenditures shall not exceed the funds allocated to the region for group care in the fiscal year.

e. If at any time after September 30, 1998, annualization of a region's current expenditures indicates a region is at risk of exceeding its group foster care expenditure target under Iowa Code section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that region in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In the dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

202.17(2) *Regional plan for achieving target.* For each of the departmental regions, representatives appointed by the department and juvenile court services shall establish a plan for containing the expenditure for children placed in group care within the budget target allocated to that region. The plan shall include monthly targets and strategies for developing alternatives to group care placements.

The plans shall also ensure potential group care referrals are reviewed by the review organization prior to submission of a recommendation for group care placement to the court.

Each regional plan shall be established in advance of the fiscal year to which the regional plan applies. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subrule with planning for services paid under Iowa Code section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within the region concerning the current status of the regional plan's implementation.

This rule is intended to implement Iowa Code section 232.143.

[Filed 9/28/77, Notice 8/10/77—published 10/19/77, effective 11/23/77]

[Filed 9/6/79, Notice 6/27/79—published 10/3/79, effective 11/7/79]

[Filed 10/23/80, Notice 9/3/80—published 11/12/80, effective 12/17/80]

[Filed 11/5/82, Notice 9/15/82—published 11/24/82, effective 1/1/83]

[Filed 3/25/83, Notices 9/29/82, 11/24/82—published 4/13/83, effective 7/1/83]

[Filed 10/28/83, Notice 9/14/83—published 11/23/83, effective 1/1/84]

[Filed 11/18/83, Notice 10/12/83—published 12/7/83, effective 2/1/84]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed 4/2/84, Notice 2/1/84—published 4/25/84, effective 6/1/84]

[Filed emergency 8/31/84—published 9/26/84, effective 10/1/84]

[Filed emergency 6/14/85—published 7/3/85, effective 7/1/85]

[Filed 8/23/85, Notice 7/3/85—published 9/11/85, effective 11/1/85]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
 [Filed 3/3/87, Notice 12/31/86—published 3/25/87, effective 5/1/87]
 [Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]
 [Filed 8/28/87, Notice 7/15/87—published 9/23/87, effective 11/1/87]
 [Filed 9/24/87, Notice 8/12/87—published 10/21/87, effective 12/1/87]
 [Filed 11/25/87, Notice 10/7/87—published 12/16/87, effective 2/1/88]
 [Filed 4/22/88, Notice 2/10/88—published 5/18/88, effective 7/1/88]
 [Filed 5/12/89, Notice 2/8/89—published 5/31/89, effective 8/1/89]
 [Filed emergency 6/8/89—published 6/28/89, effective 7/1/89]
 [Filed 7/14/89, Notice 4/19/89—published 8/9/89, effective 10/1/89]
 [Filed 8/17/89, Notice 6/28/89—published 9/6/89, effective 10/11/89]
 [Filed 9/15/89, Notice 7/26/89—published 10/4/89, effective 12/1/89]
 [Filed 5/17/91, Notice 4/3/91—published 6/12/91, effective 8/1/91]
 [Filed 9/18/91, Notice 7/10/91—published 10/16/91, effective 12/1/91]
 [Filed 12/11/91, Notice 10/16/91—published 1/8/92, effective 3/1/92]*
 [Filed 2/13/92, Notice 1/8/92—published 3/4/92, effective 5/1/92]
 [Filed emergency 4/15/92—published 5/13/92, effective 4/16/92]
 [Filed emergency 6/12/92—published 7/8/92, effective 7/1/92]
 [Filed 8/14/92, Notices 5/27/92, 7/8/92—published 9/2/92, effective 11/1/92]
 [Filed emergency 6/11/93—published 7/7/93, effective 7/1/93]
 [Filed without Notice 8/12/93—published 9/1/93, effective 11/1/93]
 [Filed 8/12/93, Notices 2/17/93, 7/7/93—published 9/1/93, effective 11/1/93]
 [Filed 12/16/93, Notice 9/1/93—published 1/5/94, effective 3/1/94]
 [Filed emergency 5/11/94 after Notice 3/16/94—published 6/8/94, effective 6/1/94]
 [Filed emergency 6/16/94—published 7/6/94, effective 7/1/94]
 [Filed 8/12/94, Notice 7/6/94—published 8/31/94, effective 11/1/94]
 [Filed 3/20/95, Notice 1/18/95—published 4/12/95, effective 6/1/95]
 [Filed emergency 6/7/95—published 7/5/95, effective 7/1/95]
 [Filed 8/10/95, Notice 7/5/95—published 8/30/95, effective 11/1/95]
 [Filed 12/12/95, Notice 10/25/95—published 1/3/96, effective 3/1/96]
 [Filed emergency 6/13/96—published 7/3/96, effective 7/1/96]
 [Filed 8/15/96, Notice 7/3/96—published 9/11/96, effective 11/1/96]
 [Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]
 [Filed 8/13/97, Notice 7/2/97—published 9/10/97, effective 11/1/97]
 [Filed emergency 6/10/98—published 7/1/98, effective 7/1/98]
 [Filed without Notice 6/10/98—published 7/1/98, effective 8/15/98]
 [Filed 8/12/98, Notice 7/1/98—published 9/9/98, effective 11/1/98]
 [Filed 8/12/99, Notice 6/30/99—published 9/8/99, effective 11/1/99]
 [Filed 9/12/00, Notice 7/26/00—published 10/4/00, effective 12/1/00]
 [Filed emergency 7/10/03—published 8/6/03, effective 7/10/03]

*Effective date of 3/1/92 delayed until adjournment of the 1992 General Assembly by the Administrative Rules Review Committee at its meeting held February 3, 1992.